

REMARKS

I. STATUS OF THE CLAIMS

Claims 62 and 64-69 are pending. Claims 62 and 64 are amended.

II. REQUEST FOR EXAMINER INTERVIEW

The Applicant hereby includes a PTOL-413A form requesting a personal interview. The examiner notes on page 2 that claims are “difficult to follow.” The Applicant thus would like to clarify the invention (especially claims 66-69) to the Examiner.

III. REJECTION OF CLAIMS 66-69 UNDER 35 U.S.C. § 112(1)

Page 2 of the Office Action rejects claims 66-69 under 35 U.S.C. § 112, first paragraph, as ‘containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 66-69 use the terms “copying” and “partial hands”, which the examiner will interpret as “displaying” and “intermediate hands” to aid in the examination of the claims.’

The Applicant submits that using the term “copying” is not in violation of 35 U.S.C. § 112(2). For example, see paragraph 103 (as filed), sentence two (referring to Figure 8) states, “Assume a player holds the 10 clubs and the 10 spades, and then draws.” Paragraph 104 (as filed) of the present application states, third sentence, states, “Each of these three hands maintains the cards that were selected to be held in the first phase.”) See Figure 9, in which the 10-clubs and 10-spades from the bottom hand are “maintained” or “copied” to the middle hand and the top hand.

With regard to the term “partial hands,” this is just an identifier used to refer to certain groups of cards during the method. If such an identifier were not used, the claims would be more confusing.

MPEP 2163.02 states, “The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”

Therefore, the Applicant traverses the rejection based on the use of the terminology “copying” and “partial hands.” The Applicant submits that claims 66-69 are illustrated/described in at least Figure 8-13 and their accompanying description (in addition to other parts of the specification as well) and that nothing in the specification precludes use of the current terminology.

Nevertheless, if the Examiner prefers the word “displaying” over “copying,” the applicant is willing to make such a change to the claims (although the Applicant does not believe it to be necessary). However, the “partial hands,” as used in the claims, are not the same as the “intermediate hands,” and thus the applicant would not agree to such a substitution.

Page 2 of the Office Action also rejects claim 69 under 35 U.S.C. 112, first paragraph. More particularly, ‘Claim 69 states “copying the second hold cards to a fourth partial hand”, to which the examiner finds difficult to follow, the examiner understands from the specification that the “second set of hold cards will form the “third hand of cards” to be evaluated. The examiner fails to find a second set of hold cards forming a fourth hand of cards. For the purpose of examination of claim 69, the examiner will interpret the statement to read “copying the second hold cards to a third partial hand”.’

In response, the Applicant clarifies to the Examiner that, “copying the second hold cards to a fourth partial hand” is illustrated in Figure 13, wherein the top hand has the 7-clubs/10-clubs/7-hearts/10-spades/ copied. Since the Examiner finds these claims difficult to follow, for the Examiner’s benefit the Applicant clarifies that claim 68 comprises dealing two levels of hands (which could for example be the bottom and middle levels in Figure 13) while claim 69 adds in a third level (which could for example be the top level in Figure 13).

Therefore, in view of the above, withdrawal of the rejections is respectfully requested.

IV. REJECTION OF CLAIMS 62 AND 64-69 UNDER 35 U.S.C. § 103

Page 3 of the Office Action rejects claims 62 and 64-69 under 35 U.S.C. § 103 as being unpatentable over Carrico in view of Perrie. The Applicant believes the Examiner intended to reject claims 62 and 64-65 under this basis.

Neither Carrico nor Perrie disclose adding a double draw card into a deck of cards which triggers a double draw. Page 4 of the Action states that, "...indicating to the player that the player is entitled to get the second draw by dealing a double draw card that indicates to the player that the player is entitled to get the second draw (Col. 12:51-53)."

However, the cited portion of Perrie discloses that a special bonus symbol initiates a bonus game.

The difference between using an additional "double draw" card and displaying a bonus symbol is not insignificant as the rejection implies. By having the double draw feature triggered by a special card dealt from a deck, this affects characteristics of the game. For example, as each card is dealt from the virtual deck, the odds of getting the double draw card increase since there are fewer cards remaining in the deck. A player may possibly be more inclined to discard more cards on the initial draw in hopes of achieving a double draw card on the draw.

The bonus symbol in Perrie is a simple bonus symbol whose odds of occurrence are not affected by, nor affect, other symbols.

Carrico discloses a deck of cards which use a joker or wild card. However, it is quite a leap to state that this suggests using a "double draw card" which has the functionality as claimed in claim 62.

Therefore, the applicant submits that the combination of Perrie and Carrico do not teach or suggest the features as recited in claim 62.

V. REJECTION OF CLAIMS 66 UNDER 35 U.S.C. § 102

Page 3 of the Office Action rejects claim 66 under 35 U.S.C. § 102 as being anticipated by Carrico. The applicant believes the Examiner intended to reject claims 66-69 under this basis.

Claim 66 recites, "...**copying the first hold card(s) to a partial second hand;** replacing first non-hold card(s) in the first hand with first new card(s) to form an

intermediate first hand, the first non-hold card(s) being card(s) in the first initial hand that are not first hold card(s); **dealing first additional card(s) in the partial second hand**, the first additional cards being equal in number to a number of the first non-hold card(s), to form an intermediate second hand;...” (emphasis added)

In Carrico, there is clearly no copying first hold cards to a partial second hand and no dealing first additional cards in the partial second hand. The cited portion of Carrico, (2:60-3:3) discloses simply how a player can discard and draw cards in a single hand.

Claim 67 recites, “copying the second hold card(s) to a partial third hand; dealing second additional card(s) in the partial third hand, the second additional card(s) being equal in number to the number of the second non-hold card(s), to form a final third hand...”

The cited portion of Carrico (3:3-20) discloses making a second wager in order to effectuate a draw for an individual hand.

Claim 68 recites, “copying the second hold card(s) to a third partial hand; replacing second non-hold card(s) in the intermediate first hand with second new card(s) to form a final first hand, the second non-hold card(s) being card(s) in the intermediate first hand that are not second hold card(s); dealing first additional cards to the third partial hand to form a final second hand, the first additional cards being equal in number to a number of the second non-hold card(s);”

In Carrico, no such feature is disclosed nor is this feature mentioned on page 6 of the rejection.

Claim 69 recites, “copying the second hold card(s) to a fourth partial hand; dealing second additional cards to the fourth partial hand to form a final third hand, the second additional cards being equal in number to a number of the second non-hold card(s); ”

No such feature is disclosed in Carrico. Furthermore, page 6 of the rejection does not state this feature.

Therefore, because the claimed features of claims 66-69 are not present in Carrico, a rejection under 35 U.S.C. § 102 is not appropriate and must be withdrawn.

VI. CONCLUSION

If there are any issues the Examiner wishes to discuss with the Applicant, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,

Muskin & Cusick

By/Jon H. Muskin #43,824/

Jon. H. Muskin

Reg. No. 43,824

Customer # 43,536

Tel (215) 853-8257